

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 06/21/2010 has been entered.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Albert Penilla (Reg. No. 39,487) on 8/27/2010.

The application has been amended as follows:

### **In the claims:**

In claim 17, line 1, before "computer program product", insert "--non-transitory--".

Art Unit: 2625

In claim 17, line 3, before “computer-readable storage medium”, insert --non-transitory--.

### **REASONS FOR ALLOWANCE**

The following is an examiner’s statement of reasons for allowance:

The closest prior art of record, namely, Kubo et al. (US 2003/0095269 A1) and/or Shimada (US 2005/0219618 A1), do not disclose, teach or suggest, (a) selecting a parameter from a plurality of modification candidate parameters for modifying colors of pixels in image data, the plurality of modification candidate parameters corresponding to mutually differing modifications, and each of the plurality of modification candidate parameters corresponding to modification which converts tone values of a primary color in a color system into tone values of the same primary color, or modification which converts tone values of lightness into tone values of lightness where at least some of the tone values of lightness have different values; and (b) generating modified image data according to the selected parameter from subject image data that is a subject for modifications of color tones in image, wherein the modified image data is different from the subject image data in colors of at least part of pixels, wherein, the plurality of modification candidate parameters includes:  $N_c$  color image modification candidate parameters for color image data, where  $N_c$  represents a number that is a positive integer; and  $N_m$  monochrome image modification candidate parameters for monochrome images, where  $N_m$  represents a number that is an integer larger than  $N_c$ ;

Art Unit: 2625

the step (a) includes: (a1) selecting the parameter from the Nc color image modification candidate parameters in case where the subject image data is color image data; and (a2) selecting the parameter from the Nm monochrome image modification candidate parameters when the subject image data is monochrome image data, as recited in independent claim 13.

Independent claims 1 and 17 recite the same or similar claim limitations as recited in claim 13 above, therefore claims 1 and 17 are allowed for the same or similar reasons as stated in independent claim 13 above.

Furthermore, claims 1, 13 and 17 are found to be allowable over the closest prior art of record mentioned above, for the reasons stated in applicant remarks found on pages 11-14 of the amendment which was filed on 09/15/2009.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dov Popovici whose telephone number is 571-272-4083. The examiner can normally be reached on Monday-Thursday.

Art Unit: 2625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dov Popovici/  
Primary Examiner, Art Unit 2625